c. The landfill is designed and operated to minimize the migration of methane gas or other gases beyond the facility boundaries so as to avert the creation of a nuisance or a danger to property or public health; and
d. The landfill does not accept industrial, commercial or institutional solid or liquid waste that is hazardous; and
e. The landfill is not located in a freshwater wetland, tidal wetland or flood-plain as identified by the department.
f. Except as provided herein, the landfill accepts only material which is the product of resource recovery, incineration or composting. Downtime waste and wastes that are untreatable by a resource recovery system may be disposed of when handled as provided in this paragraph. Downtime waste and untreatable waste that is landfilled may only be deposited in a special disposal area that is located and constructed so as to segregate these wastes and minimize their effect on residents of the surrounding area. Not more than ten percent of the annual rated capacity of a resource recovery facility may be disposed of as downtime waste per year. However, up to ten percent of the annual rated capacity of more than one resource recovery facility may be so disposed of at a single landfill.
If the landfill is located outside of the deep flow recharge area, such landfill may also accept wastes other than those authorized in this subdivision when-ever such disposal is approved by the commissioner based upon a finding made after the opportunity for a public hearing that (i) no resource recovery facility is available to accept such waste; (ii) the owner of the landfill is making all reasonable efforts to implement a resource recovery system acceptable to the commissioner; and (in) that the landfilling of such wastes will not have significant adverse environmental impacts. In granting any such approval, the com-missioner shall impose conditions necessary to mitigate any adverse environ-mental impacts to the maximum extent practicable and shall impose a schedule under which the municipality shall implement an acceptable resource recovery system.
6. Notwithstanding the other provisions of this section, the commissioner may allow, by permit, the disposal of clean fill material in the counties of Nassau and Suffolk. Such material shall not be contaminated with hazardous wastes.
§3. This act shall take effect on the one hundred eightieth day next succeed-ing the date on which it shall have become a law.